



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-ninth session**

Summary record (partial)* of the 1260th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 29 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

*Combined initial and second periodic reports of Brunei Darussalam (continued)
(CEDAW/C/BRN/1-2; CEDAW/C/BRN/Q/1-2 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Brunei Darussalam took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Zou Xiaqiao**, pointing out that the Nationality Act discriminated against women and children, said that if the single nationality policy was the State party's only reason for its reservation regarding article 9, then the reservation could be withdrawn because a number of countries, including the Lao People's Democratic Republic, Myanmar and Singapore, had similar policies and yet had not made any such reservation.
3. **Ms. Othman** (Brunei Darussalam) said that the delegation took note of the Committee's recommendation and was interested to learn that other countries with similar nationality policies had taken a different view of article 9 of the Convention.

Article 10

4. **Ms. Gbedemah** said that while the State party was to be commended on its excellent achievements in education, horizontal and vertical gender segregation persisted. She asked whether the Government intended to introduce temporary special measures to encourage women to pursue technical education, what optional courses were offered and what their gender make-up was. She wished to know whether curriculum reform had been undertaken to remove stereotypes from educational materials and whether teachers had received training on how their own behaviour could perpetuate gender stereotypes. Drawing attention to paragraph 52 of the State party's replies to the list of issues (CEDAW/C/BRN/Q/1-2/Add.1), she asked what special facilities had been made available for children with learning disabilities; she also wished to know and why there were twice as many males as females enrolled in special education programmes.
5. **Ms. Othman** (Brunei Darussalam) said that the Compulsory Education Order currently mandated 9 years of schooling, but there were plans to extend that to 12. The Special Committee on Women and the Family Institution had reviewed textbooks for stereotypes, and it had been determined that the best way to address the issue was to improve the quality of instruction. Teacher training was no longer offered, but all teachers had to be university graduates.
6. **Ms. Yusoff** (Brunei Darussalam) said that a review of technical education was under way, but that even though women were free to pursue technical studies, men still tended to be more inclined towards that stream. Optional courses were open to students of both genders and included home science, social studies, business and technology. The teacher-student ratio in special education classes was usually one to one.
7. **Ms. Othman** (Brunei Darussalam) said that inclusive education had been introduced some 20 years earlier. Teachers had to undergo additional training to work with children with disabilities, but the number of qualified teachers remained insufficient. The Ministry of Education had approved reforms to align technical education with industry needs, and it was hoped that the reforms would also address the participation of women.

8. **Ms. Yusoff** (Brunei Darussalam) said that the issue of enrolment in particular courses came down to choice: boys could not be forced to take subjects that did not interest them. Priority was therefore given to providing options.

9. **The Chairperson**, speaking in her capacity as an expert, said that education choices were often dictated by tradition and culture rather than personal freedom. That meant that Governments sometimes needed to actively promote women in certain fields, which she strongly encouraged the State party to do.

Article 11

10. **Mr. Bruun** said that while he welcomed the increased participation of women in the labour market, the lack of information on their actual occupations and levels was regrettable. He asked whether the State party had introduced the notion of equal pay for equal work and what legal safeguards were in place to ensure that women were not subjected to discrimination in the workplace. He urged the State party to take tangible measures to encourage women to report incidents of sexual harassment in the workplace. He was deeply concerned that Brunei Darussalam was a party to only two of the eight core International Labour Organization (ILO) conventions, and he heartily recommended that it should consider ratifying the other six as well as the ILO Maternity Protection Convention, 2000 (No. 183) and the ILO Domestic Workers Convention, 2011 (No. 189).

11. **Ms. Othman** (Brunei Darussalam) said that the Special Committee on Women and the Family Institution was working on solutions to address unconscious bias against women in the workplace and that a protocol and awareness-raising campaigns on sexual harassment were being developed. Citing statistics from the Global Gender Gap Report, she said that there was no gender pay gap in her country. The Government had adopted the Workplace Safety and Health Order and was open to ratifying additional ILO conventions. The rights of migrant workers were protected under the law: they were entitled to social housing, received fair wages and could access labour dispute-settlement mechanisms. Moreover, a 24-hour hotline was available to lodge labour-related complaints. Nearly 40 per cent of all female migrant workers were employed in the retail, wholesale, hotel and restaurant industries.

Article 12

12. **Ms. Pimentel** wished to know the way in which female genital mutilation was practised in Brunei Darussalam and the conditions under which it was performed, especially in the case of underprivileged women and those living in remote or rural areas. She asked what specific measures had been taken to ensure that all women had access to health care and free modern contraceptives, whether specific services were provided for elderly women and whether there was any oversight of medical services. She would welcome further details about the flying medical services mentioned in paragraph 12.1 of the report. She asked whether any campaigns for the prevention of workplace accidents, female cancers and sexually transmitted diseases had been developed. She also wished to know whether women who had contracted HIV/AIDS through contaminated blood received appropriate State compensation. Drawing attention to paragraph 12.12.1 of the report, she asked why comprehensive health screening was restricted to women aged 38 to 65. What steps were taken to enhance sexual and reproductive health education and awareness? Lastly, she asked whether the State party might review criminal and sharia law provisions banning abortion, in particular in the case of rape, incest or irreversible foetal defects.

13. **Ms. Othman** (Brunei Darussalam) said that a Government programme had been developed to introduce reproductive health education for pupils at the lower secondary level and up.

14. **Ms. Abdullah** (Brunei Darussalam) emphasized that the practice of female genital cutting carried out in the country was not classified as female genital mutilation, and that there was no significant correlated maternal mortality and morbidity rate. Health care for rural women was ensured through the flying medical service and clinics set up in rural areas. Those clinics provided prenatal and postnatal care, medical examinations for children and advice on contraceptive methods. Since 1986 there had been no reported cases of HIV/AIDS transmission caused by infected blood transfusions. HIV/AIDS treatment was guaranteed to Brunei Darussalam residents free of charge and to non-residents for a nominal fee. Several programmes were in place for the prevention and control of cancer and sexually transmitted diseases, including media and educational campaigns to raise awareness of cervical screening and a national human papilloma virus vaccination programme. The Ministry of Health had launched a breastfeeding and nutrition initiative to promote exclusive breastfeeding, and health-care providers, NGOs and the private sector were actively involved in its implementation. Construction was nearing completion of a women and children's block in the country's main hospital that would provide comprehensive maternal and child health services. There were no age limitations on health examinations for women, and all women were invited to undergo cervical screening and cardiovascular checks. All women, including rural women, had access to free contraception. As had been noted, sexual and reproductive health education was provided in schools, and information leaflets were available to the general public. Safe abortions were available in cases where the life of the woman was at risk.

15. **Ms. Othman** (Brunei Darussalam) said that Brunei Darussalam recognized that female genital mutilation violated girls' and women's rights. The practice performed in the State party did not constitute female genital mutilation as internationally defined, but in fact consisted of making a small scratch.

16. **Ms. Pimentel** said that assurances were needed that a review would be conducted within the context of the Penal Code reform of the currently unacceptable reporting requirements concerning rape.

17. **The Chairperson**, speaking in her capacity as an expert, stressed that women who had been raped were victims — and not perpetrators — of a crime who were entitled to protection and legal remedy. The law in force on that subject did not conform with that principle and thus contravened women's rights.

18. **Ms. Othman** (Brunei Darussalam) said that all legislation would be reviewed and that the gender perspective would be taken into account.

19. **The Chairperson** said that she took note of the commitment made by the delegation.

20. **Ms. Pomeranzi** said that owing to the lack of data, information was not available on the results of the programmes for women's economic empowerment. It was essential, however, to measure the effectiveness of such programmes, since low investment in them resulted in discrimination against women; moreover, economic development at the national level did not guarantee progress in other areas.

21. The State party, which had no public debt, did not appear to consider the provision of welfare benefits, including housing, disability and poverty allowances, as the people's right. She asked whether there were plans to review the social security scheme, particularly with a view to promoting women's economic empowerment and taking into account the unremunerated tasks of women domestic workers.

22. **Ms. Othman** (Brunei Darussalam) said that measures had been introduced through the Special Committee on Poverty to strengthen women's economic empowerment. There was no absolute poverty in Brunei Darussalam, but subsidies were provided for goods and amenities such as rice and petrol, and education and household benefits were allocated to

families in situations of relative poverty. Pension payments were administered by local leaders who visited beneficiaries' homes, to monitor living conditions. Through its programmes aimed at encouraging the population to provide care within the family and the community, the Government sought to discourage a culture of dependency on Government handouts.

23. **Ms. Pomeranzi** said that investment in projects to promote women's economic empowerment, including small-scale welfare programmes, was nevertheless crucial for women's advancement. Data needed to be provided in order to study the effectiveness of the programmes in place.

24. **Ms. Othman** (Brunei Darussalam) said that since the cycle of poverty could only be broken by investing in education for children, most social security benefits were distributed to women, who were responsible for children. The Government would consider drawing up a specific policy on welfare.

25. **Ms. Zou Xiaohao** requested additional information on the situation of rural women in the State party, their participation in the decision-making process and the percentage of women elected to office at the local level. She also asked what percentage of rural women owned land and whether they enjoyed the same access to credit and loans as men. Did the "One Village One Product" project incorporate a gender perspective, and how were women encouraged to participate in it? No information on the project had been provided: how many women had benefitted from that project, including disadvantaged groups of women?

26. She asked the delegation to confirm that there were 20,000 stateless women in Brunei Darussalam. According to information she had received, there were two categories of stateless person: those in the first category (persons with permanent residency) could not own land or benefit from subsidized health care or higher education, while those in the second category (persons without permanent residency) were not eligible for government benefits and could not access public services. What percentage of stateless persons were women, and what measures relating to basic social services, health care and education had been put in place to assist them?

27. **Ms. Othman** (Brunei Darussalam) said that it was difficult to establish a definition of "rural women" in the context of Brunei Darussalam because almost all the country was accessible and education and health-care facilities were widely available. Practically the entire population had access to improved drinking water, and most of the urban population had access to adequate sanitation and electricity. There were therefore no data on rural women. Neither was there any statistical information on the number of women elected at the local level, or on land ownership among women. Women could, however, own land. It was difficult to obtain data disaggregated by sex on credit and loans. It was too early to assess the impact of the "One Village One Product" project.

28. The issue of disadvantaged and stateless persons had been raised many times within the National Legislative Council. The number of women being granted citizenship was on the increase. Stateless persons had access to pensions (at the age of 60), education (upon payment of a nominal fee) and health care. As to disadvantaged persons and elderly persons, under the relevant legislation, everyone over the age of 60 was entitled to a pension, regardless of means. Additional financial assistance was also available for economically disadvantaged persons, along with home care. Families were encouraged to care for elderly relatives, and mutual responsibility was taught in schools. A special committee on issues affecting elderly persons had been established.

29. **Ms. Zou Xiaohao** requested up-to-date information on access to improved drinking water.

30. **Ms. Othman** (Brunei Darussalam) said that the vast majority of the general population had access to improved drinking water. In urban areas, most households had access to adequate sanitation, although that was not the case for rural areas.

Articles 15 and 16

31. **Ms. Hayashi** said that although the State party report indicated that Muslim women could freely choose their spouses, she had been concerned to learn that the consent of a guardian was required. Furthermore, under the Sharia Penal Code, Muslim women leaving the care of their parents or guardians without consent could be imprisoned. She requested background information on male guardianship.

32. She had been informed that there had been cases of polygamous marriages taking place in the State party without the consent of the first wife, and of first households being provided with inadequate support. She asked whether premarital education courses were available and how the Convention and the Committee's general recommendations, particularly general recommendations Nos. 21 and 29, were disseminated. Polygamous marriage contravened general recommendation No. 21 and should be prohibited. Had the State party held consultations with women's groups and religious leaders on that issue? While the minimum age for marriage varied from one religious group to another, the age of puberty was 16 for all religious groups. However, that did not mean that 16-year-olds were ready for marriage. How was legislation on the minimum age of marriage assessed? Given that a number of provisions on inheritance which discriminated against women and girls also remained on the statute books, she requested additional information on women's rights.

33. **Ms. Othman** (Brunei Darussalam) said, with regard to legislation on the minimum age of marriage, that education was compulsory up to the age of 14. The authorities intended to raise the duration of compulsory education to 12 years, a move that would raise the school-leaving age to 17, thus addressing the issue of early marriage.

34. **Ms. Taib** (Brunei Darussalam) said that Islam permitted the equal division of inheritance, on the condition that there was a consensus among the parties. Furthermore, Islam encouraged the making of gifts to women, and men were expected to fulfil the role of breadwinner. Therefore, men were entitled to a greater share of inheritance than women. Non-Muslims were subject to the relevant legislation on probate and wills.

35. As to the freedom of women to choose their spouses, non-Muslims were covered by the Marriage Act. The Islamic Family Law Act prohibited the making of threats and the use of deception to force women to marry. Although the age of marriage was below 18, prospective spouses did not marry until they felt ready and until certain conditions had been fulfilled. The consent of both partners was required and, in certain cases, the consent of a *wali* or *wali Hakim* must also be obtained (CEDAW/C/BRN/Q/1-2/Add.1, para. 68). In addition, both parties must apply to the Registrar for permission to marry. In the case of non-Muslims, both partners must freely consent to marriage and must demonstrate that they were capable of understanding the nature of the marriage contract. For a woman to leave the custody of her parents or guardians without their consent constituted an offence under the Sharia Penal Code. That provision had been included in order to protect unmarried girls and prevent them from leaving home without a valid reason.

36. **Ms. Othman** (Brunei Darussalam) said that the Convention on the Rights of the Child had already been incorporated into premarital courses and that consideration could be given incorporating the Convention on the Elimination of All Forms of Discrimination against Women as well.

37. **Ms. Taib** (Brunei Darussalam) said that under the Islamic Family Act men must obtain written permission from the courts in order to contract polygamous marriages;

failure to do so constituted an offence. Section 3 of the Marriage Act prohibited non-Muslims from contracting polygamous marriages.

38. **Ms. Othman** (Brunei Darussalam) said that polygamy was widely discussed in the State party and that a number of workshops on the issue had been held in which women and religious leaders had participated. All spouses in polygamous marriages had the right to fair treatment and could seek redress before the Sharia courts should that right not be respected. In the past, the authorities and NGOs had assisted women in that regard.

39. **The Chairperson** invited the delegation to make any concluding remarks.

40. **Ms. Othman** (Brunei Darussalam) said that the reporting process had afforded an opportunity to provide a detailed and comprehensive description of the status of women in Brunei Darussalam and the steps the State party had taken to implement the provisions of the Convention. Direct engagement with the Committee members, particularly regarding issues related to the development of women, had been extremely valuable. The State party faced a number of challenges in terms of capacity-building and the implementation of the Convention, and she expressed the hope that, in the future, Brunei Darussalam would be in a better position to access technical assistance from United Nations bodies regarding gender development issues. Brunei Darussalam would continue its efforts to implement the Convention, and the Committee members' comments would be brought to the attention of the relevant national agencies.

41. **The Chairperson** thanked the delegation for engaging in a constructive dialogue and commended the State party on its efforts. She also hoped that those provisions of the Sharia Penal Code which constituted serious violations of women's rights would be reconsidered and that those issues would be addressed in the State party's next report.

The discussion covered in the summary record ended at 4.45 p.m.